HON'BLE SRI JUSTICE D.S.R.VARMA
AND
HON'BLE SRI JUSTICE P. LAKSHMANA REDDY

TAKEN UP WRIT PETITION NO. 82 OF 2007
DATE: 22.1.2007

Between:

Polisetty Kumari

…Petitioner

AND

1.The Station House Officer, Bapatla Police Station, Guntur District and two others

….Respondents

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HON'BLE SRI JUSTICE D.S.R.VARMA

AND

HON'BLE SRI JUSTICE P. LAKSHMANA REDDY

–

TAKEN UP WRIT PETITION NO. 82 OF 2007

ORAL ORDER: **(per the Hon'ble Sri Justice P. LAKSHMANA REDDY)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, on behalf of the respondents.

2. This Writ Petition is taken up on the basis of a 'Telegram', dated 15.12.2006, sent by one Polisetty Kumari, alleging that her son by name Polisetty Srinu @ Gottala Srinu, was illegally arrested by C.I of Baptla, and apprehending danger to his life.

3. Upon receipt of notice issued by this court, the Circle Inspector of Police, Bapatla Circle, Guntur District, filed a counter affidavit stating, inter alia, that they never arrested the son of the petitioner and the alleged detenu is not in their custody. In fact, the alleged detenu is an accused in Crime No. 11 of 2003 for the offence under Section 379 IPC of Vedullapalle Police Station of Guntur District. The alleged detenu was also involved in another crime i.e. Crime No. 75 of 2006 for the offences under Section 420 and 392 IPC of Bapatla Town Police Station. It is further stated in the counter that the alleged detenu being the first accused in C.C.No. 88 of 2006 on the file of the Additional Judicial First Class Magistrate, Baptla, filed a petition under Section 317 Cr.P.C on 8.12.2006 for dispensing with his presence on that day stating that he is suffering from fever. Subsequently, on 5.1.2007, a similar application has also been filed stating that the alleged detenu was suffering from fever. If really he was in illegal custody of the police, such petitions would not have been filed before the Court. Hence, the Writ Petition is liable to be

dismissed.

4. The learned Government Pleader representing the Advocate General filed copies of the petition filed under Section 379 IPC in Crime No. 11 of 2003, in support of his contention. We have perused the averments of the said petition. From the said averments, it is clear that the son of the petitioner is not in the custody of the police as stated so in the petition.

5. Hence, we find no merit in the Writ Petition and accordingly, the same is closed. No order as to costs.

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D.S.R.VARMA, J

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P. LAKSHMANA REDDY, J

Dated: 22.1.2007
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